

AMENDED IN SENATE MAY 13, 2004

AMENDED IN SENATE APRIL 20, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1193

Introduced by Senator Soto

February 9, 2004

An act to add Chapter 3.5 (commencing with Section 850) to Division 4 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Soto. Military service: Surviving Spouses and Children Relief Act.

Existing law provides certain protection for members of the National Guard and reservists called to active, *state* duty, as specified, during the period of military service, with respect to, among other things, court proceedings, contract obligations, rental agreements, taxes or assessments, and health or medical insurance.

This bill would require the state to pay a \$10,000 death benefit to the surviving spouse or designated beneficiary of any member of the California National Guard, State Military Reserve, or Naval Militia who dies or is killed in the performance of *state* duty, as determined by the Military Department.

This bill would become operative upon an appropriation by the Legislature for purposes of funding the payments of military benefits, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California National Guard, the State Military Reserve, and Naval Militia are military organizations in California that serve essential public safety purposes during periods of great danger, routinely support local authorities in protecting the lives and property of the people of the state during periods of natural disaster and civil disturbance, and provide homeland security.

(b) The California National Guard is routinely tasked by the President to perform dangerous duties in armed conflicts, contingency operations, mobilizations, war, and other emergencies of national significance.

(c) The families of the members of the California National Guard, State Military Reserve, and Naval Militia play a primary role in maintaining the morale and welfare of these organizations and are essential in recruitment and retention of personnel to serve and continue serving.

(d) The families of the members of the California National Guard, State Military Reserve, and Naval Militia endure extraordinary hardships when the member is called to duty by the Governor or the President, and also suffer irreparable harm when the member dies or is killed in the performance of duty.

(e) The Legislature finds and declares that providing relief to surviving spouses and orphans of members of the California National Guard, State Military Reserve, and Naval Militia who die or are killed in the performance of *state* duty furthers a necessary public purpose.

SEC. 2. Chapter 3.5 (commencing with Section 850) is added to Division 4 of the Military and Veterans Code, to read:

CHAPTER 3.5. CALIFORNIA NATIONAL GUARD SURVIVING
SPOUSES AND CHILDREN RELIEF ACT OF 2004

850. (a) The state shall pay a ten thousand dollar (\$10,000) death benefit to the surviving spouse of, or a beneficiary designated by, any member of the California National Guard, State Military Reserve, or Naval Militia who dies or is killed in the performance of *active, state* duty.

1 (b) The Military Department shall determine if the death
2 occurred in the performance of the member's *active, state* duty,
3 and shall issue a certificate of benefit eligibility under this section
4 within 20 days of application by the surviving spouse or a
5 designated beneficiary.

6 (c) The state shall pay the death benefit within 10 days of the
7 receipt of the certificate of benefit eligibility from the surviving
8 spouse or a beneficiary designated by the service member.

9 851. This chapter shall become operative upon the operative
10 date of an appropriation by the Legislature for the purpose of
11 funding the payments of military benefits, as required by this
12 chapter.

